

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CLAUDIA LEWIS, BRENDA McKEE, and PADREKA SCOTT,)	
)	
)	
Plaintiffs,)	
)	
v.)	
)	
GREENVILLE INN AND SUITES, a)	Civil Action No.: 2:07-cv-01015
hotel/motel licensed and doing business in the)	
State of Alabama, located at 941 Fort Dale)	
Road, Greenville, AL 36037 (a better)	
denomination of which plaintiffs are currently)	
unaware),)	
)	
Defendant.)	

APPLICATION TO CLERK FOR ENTRY OF DEFAULT

The Clerk for the above-entitled Court will enter default against the Defendant in the above cause for failure to plead, answer or otherwise defend in said cause as required by law.

By: /s/ Andy Nelms
Keith Anderson Nelms
ASB-6972-E63K

Of Counsel:
Anderson Nelms & Associates, LLC
847 South McDonough Street, Suite 100
Montgomery, Alabama 36104
(334) 263-7733 (Telephone)
(334) 832-4390 (Facsimile)

Default entered:

By: _____
Clerk / Chief Deputy

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

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denomination of which plaintiffs are currently)	
unaware),)	
)	
Defendant.)	

CERTIFICATE

I, Keith Anderson Nelms, declare:

1. I am an attorney at law licensed to practice before the Courts of the State of Alabama and this United States District Court. I am the attorney for the Plaintiffs in the law firm of Anderson Nelms & Associates, LLC. Unless stated otherwise, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.
2. On November 16, 2007, Plaintiffs filed the Complaint in this case against Defendant. *See* Court Doc.# 1. Attached hereto as Exhibit A is a true and correct copy of the proof of service on file with the Court, reflecting that Defendant was served with the Summons and Complaint on November 29, 2007, by Certified United States Postal Mail. *See* Court Doc.# 8.

3. In excess of 20 days have lapsed since the date on which service of the Summons and Complaint was effective.
4. Neither Plaintiffs nor the Court have granted Defendant any extension of time to respond to the Complaint.
5. Defendant has failed to answer or otherwise respond to the Complaint, or serve a copy of any answer or other response upon Plaintiffs' attorney of record.
6. Information available to me indicates that Defendant is not an infant or incompetent person and has not been in the military service of the United States since the filing of this action nor for a period of six months prior to such filing.

I certify, pursuant to 28 U.S.C. 1746(2), under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted this 3rd day of March, 2008.

By: /s/ Andy Nelms
Keith Anderson Nelms
Attorney for Plaintiffs
ASB-6972-E63K

Of Counsel:

Anderson Nelms & Associates, LLC
847 South McDonough Street, Suite 100
Montgomery, Alabama 36104
(334) 263-7733 (Telephone)
(334) 832-4390 (Facsimile)

CERTIFICATE OF SERVICE

I, the undersigned counsel for Plaintiffs, hereby certify that a true and accurate copy of the above and foregoing document was served via both United States Postal Mail, properly addressed and postage prepaid, and electronically through this Court's CM/ECF system, on this the 3rd day of March, 2008, to the following party(ies):

Greenville Inn and Suites
941 Fort Dale Road
Greenville, Alabama 36037

Of Counsel
/s/ Andy Nelms

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

|||||

enville Inn and Suites
Fort Dale Rd.
enville, AL 36037

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Valery Gray

☐ Agent☐ Addressee

B. Received by (Printed Name)

Valery Gray

C. Date of Delivery

11/29/07

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7003 3110 0003 7316 7303

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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REQUEST FOR ENTRY OF DEFAULT

To the Clerk of the United States District Court:

Plaintiffs hereby request that the Clerk enter default in this matter against Defendant on the ground that Defendant has failed to appear or otherwise respond to the Complaint within the time prescribed by the *Federal Rules of Civil Procedure*. Certificate of Andy Nelms ¶ 5.

Plaintiffs served the Summons and Complaint on Defendant on November 29, 2007, by Certified United States Mail, as evidenced by the proof of service on file with this Court. *Id.* ¶ 2. Plaintiffs are informed and believe that Defendant is not an infant or incompetent person or in the military service. *Id.* ¶ 6 .

Respectfully submitted this 3rd day of March, 2008.

By: /s/ Andy Nelms
Keith Anderson Nelms
Attorney for Plaintiffs
ASB-6972-E63K

Of Counsel:

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847 South McDonough Street, Suite 100
Montgomery, Alabama 36104
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Of Counsel
/s/ Andy Nelms